

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH DAVIS, a/k/a JEREMY	:	
JOSEPH DAVIS	:	
	:	Civil Action No. 4:CV-07-0680
Petitioner,	:	
	:	
v.	:	(Judge McClure)
	:	
DAVID J. WAKEFIELD, et al.,	:	
	:	
Respondents.	:	(Magistrate Judge Blewitt)

**O R D E R**

May 10, 2007

On April 12, 2007, petitioner Joseph Davis, an inmate at the State Correctional Institution at Huntingdon, Pennsylvania, filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner also filed a motion for leave to proceed in forma pauperis and a motion for appointment of counsel. In his petition, petitioner challenges his February 7, 2007 conviction in Greenville County, South Carolina.

The matter was initially referred to United States Magistrate Judge Thomas M. Blewitt. On April 17, 2007, the magistrate judge issued a six-page report recommending that the case be transferred to the United States District Court for the District of South Carolina. (Rec. Doc. No. 4.) Furthermore, the magistrate

judge recommended that petitioner's motion to proceed in forma pauperis and motion for appointment of counsel be left to the discretion of the transferee court.

Because we agree with the magistrate judge's thorough report, and because no objections have been filed in response to the report, we will order that the case be transferred to that the United States District Court for the District of South Carolina. Furthermore, we agree that petitioner's motion to proceed in forma pauperis and motion for appointment of counsel be left to the discretion of the transferee court.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. United States Magistrate Judge Thomas M. Blewitt's Report and Recommendation is adopted in full. (Rec. Doc. No. 4.)
2. The case is transferred to the United States District Court for the District of South Carolina.
3. Petitioner's motion to proceed in forma pauperis (Rec. Doc. No. 2) and motion for appointment of counsel (Rec. Doc. No. 3) are left to the discretion of the transferee court.

4. The clerk is directed to close the case file.

s/ James F. McClure, Jr.  
James F. McClure, Jr.  
United States District Judge